

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT COLUMBUS**

OHIO COAL ASSOCIATION; KENTUCKY)	
COAL ASSOCIATION; NATIONAL MINING)	
ASSOCIATION; NATIONAL STONE, SAND,)	
AND GRAVEL ASSOCIATION; AND)	
PORTLAND CEMENT ASSOCIATION,)	
)	
Plaintiffs,)	Case No. 2:14-cv-2646
)	
v.)	Related case: 2:15-cv-448
)	
THOMAS E. PEREZ, SECRETARY OF LABOR,)	Judge Graham
AND MINE SAFETY AND HEALTH)	
ADMINISTRATION,)	Magistrate Judge Preston Deavers
)	
Defendants.)	

NOTICE

PLEASE TAKE NOTICE that Petitioner Brody Mining, LLC, filed a Motion to Withdraw Petition in *Brody Mining, LLC v. Secretary of Labor and Federal Mine Safety and Health Review Commission*, USCA Case #14-1171, Document #1581163 (D.C. Circuit) (copy attached). On November 2, 2015, the D.C. Circuit granted *Brody Mining's* motion. *Id.* at Document #1581416 (copy attached). *Brody Mining* was referenced in Defendants' memorandum in support of motion to dismiss (Doc. 26-1) and the reply in support of the motion (Doc. 37). *See, e.g.*, Doc. 26-1 p. 7; Doc. 37 p. 7 n.10.

Dated: November 2, 2015

Respectfully submitted,

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/s/ Alice Shih LaCour
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Certificate of Service

I hereby certify that on November 2, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and notice was automatically sent to:

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Respectfully submitted,

/s/ Alice Shih LaCour
ALICE SHIH LACOUR